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CHILISIN ELECTRONICS CORP. and
CHILISIN AMERICA LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CYNTEC COMPANY, LTD.,
Plaintiff,

v.

CHILISIN ELECTRONICS CORP.,
CHILISIN AMERICA LTD.,

Defendants.

Case No. 4:18-cv-00939-PJH

**DEFENDANTS' OBJECTION TO
PLAINTIFF CYNTEC'S BILL OF
COSTS**

Judge: Phyllis J. Hamilton

Defendants CHILISIN ELECTRONICS CORP. and CHILISIN AMERICA LTD. (“Chilisin”) hereby submit this objection to Plaintiff CYNTEC COMPANY, LTD. (“Cyntec”)’s Bill of Costs filed on May 20, 2022. Cyntec has requested certain costs that are not permissible under Fed. R. Civ. P. 54(d)(1) and Civil Local Rule 54. Chilisin respectfully requests that the Court disallow the following costs contained in Cyntec’s Bill of Costs as outlined below:

1. Objection to Trial Transcript Costs

Cyntec seeks \$12,718.86 for trial transcripts, consisting of costs for \$7,460.46 in daily transcript services and \$5,258.40 in Realtime transcript services, citing to Local Rule 54-3(b)(2). (*See* ECF No. 320-1 (Mays Decl.) at ¶ 4; ECF No. 320-2).

This Court has held that costs for Realtime transcript services are not recoverable. *See TransPerfect Glob., Inc. v. MotionPoint Corp.*, No. C-10-02590 CW (DMR), 2014 WL 1364792, at *4 (N.D. Cal. Apr. 4, 2014) (“TransPerfect’s request for costs for trial transcripts delivered hourly, costs for ‘real time,’ and costs for second and third copies of trial transcripts are denied.”); *Phoenix Techs. Ltd. v. VMWare, Inc.*, No. 15-CV-01414-HSG, 2018 WL 4700347, at *3 (N.D. Cal. Sept. 30, 2018) (finding transcript costs should be reduced by the amount Defendant seeks for expedited, hourly, and real-time transcripts). Accordingly, Cyntec’s request for reimbursement for Realtime services should be denied.

As to the remainder, Cyntec did not cite any authority except Local Rule 54-3(b)(2), which provides that the “cost of a transcript of a statement by a Judge from the bench which is to be reduced to a formal order prepared by counsel is allowable.” Civ. L.R. 54-1(b)(2). Cyntec pointed to no such statement, and Chilisin is not aware of any statement from the Court that necessitated ordering the trial transcript on a daily basis. Accordingly, because Cyntec did not justify its request, Cyntec’s request to recover costs for daily trial transcript services should also be denied. *See Hesterberg v. United States*, 75 F. Supp. 3d 1220, 1225 (N.D. Cal. 2014) (finding Plaintiff is not entitled the cost spent to obtain trial transcripts).

2. Objection to Planet Depos Costs

A bill of costs “must state separately and specifically each item of taxable costs claimed.”

1 Civ. L.R. 54-1(a). A party seeking costs must provide “[a]ppropriate documentation to support
 2 each item claimed ... attached to the bill of costs.” *Id.* Here, Cytotec seeks \$56,996.67 in deposition
 3 and exhibits fees, consisting of costs from US Legal Support and Planet Depos. (ECF No. 320-1
 4 (Mays Decl.) at ¶ 5). However, Cytotec did not support its Planet Depos costs with adequate details.
 5 Cytotec states that it “deducted \$256.20 as a reasonable estimate of the portion of the invoice
 6 attributable to non-taxable costs” without explaining how it came up with the number. It also did
 7 not provide detailed Planet Depos invoices that itemize non-taxable costs such as rough drafts. *Id.*
 8 Since Cytotec failed to provide adequate documentation, the Planet Depos bills that did not itemize
 9 non-taxable costs should be excluded. *eBay Inc. v. Kelora Sys., LLC*, No. C 10-4947 CW (LB),
 10 2013 WL 1402736, at *3 (N.D. Cal. Apr. 5, 2013) (“A prevailing party must itemize its costs with
 11 enough detail to establish that they are taxable under section 1920.”).

12 Consequently, Chilisin respectfully asks that the Court deny Cytotec’s requests for Planet
 13 Depos bills without itemized costs (the 10/11/2019, 12/16/2019, 12/17/2019, 1/17/2020 and
 14 1/20/2020 invoices). To the extent the Court taxes any cost for depositions, the amount should be
 15 reduced to \$24,901.27.

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 17 Dated: June 3, 2022

WHITE & CASE LLP

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 19 By: /s/ Jonathan Lamberson
 Jonathan Lamberson

20 Attorneys for Defendants
 21 CHILISIN ELECTRONICS CORP. and
 22 CHILISIN AMERICA LTD.
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